



## Appeal Decision

Site visit made on 11 March 2020

**by Richard Aston BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 03 April 2020**

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**Appeal Ref: APP/F4410/W/19/3238116**

**19 Park Drive, Sprotbrough, Doncaster DN5 7LA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Parkinson against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 19/00382/FUL, dated 15 February 2019, was refused by notice dated 3 July 2019.
  - The development proposed is described as 'partial demolition of no.19 Park Drive to make room for proposed access road of Park Drive. Erection of 4no. Dormer bungalows to the rear of the site'.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The Council accepts that the emerging Doncaster Local Plan should carry limited weight. In accordance with paragraph 48 of the National Planning Policy Framework ('the Framework') I agree. Since the determination of the planning application the Sprotbrough Neighbourhood Plan ('SNP') has been the subject of pre-submission consultation which ended on 31 January 2020. The SNP does not yet form part of the development plan however and I give it little weight in this appeal.
3. The description in the banner heading above is taken from the application form. However, following discussions with the Council the proposal was subsequently amended with the number of dwellings being reduced to 3. The Council made their decision on that basis and so shall I.

### Main Issues

4. The main issues are:
  - The effect of the proposal on the character and appearance of the area.
  - The effects of the proposal on the living conditions of neighbouring occupiers, with particular regard to noise and general disturbance.

## Reasons

### *Character and appearance*

5. The character of the immediate area is one of an attractive residential suburb, with predominantly detached or semi-detached dwellings with long gardens extending to the rear and set within and around mature soft landscaping. There is residential development in depth from Park Drive, including much larger development to the south east and south west set round estate roads. However, Burghley Court and Birch Close are on much more extensive areas of land which appears to have been assembled from a larger number of properties. This has resulted in a more comprehensive and planned form of development set out in 'close' style arrangements that I also observed is repeated on smaller sites in the wider locality<sup>1</sup>. The Burghley Court site is roughly as wide as the appeal site is long and I have no details of the considerations and judgements before that particular decision maker at the time. They are evidently different and not directly comparable forms of development to the proposal before me.
6. The constrained nature of the resultant plots, with uncharacteristically small gardens and set out in a linear form abutting the side boundary with No. 21, would result in a piecemeal development on a site which was originally only intended to be for 2 single residential plots. Moreover, dormer bungalows would not reflect the prevailing form and type of properties in this part of Park Drive. The host properties would be left with uncharacteristically smaller garden areas and the scheme would be dominated by harder elements such as the dwellings, double garages and overly large expanses of hard surfacing for access, parking and turning. Overall this would be an intrusion of development that would be harmfully at odds with the prevailing character and pattern of adjacent residential plots that form the immediate and overriding context of the appeal site.
7. In terms of the appearance of the Park Drive streetscene and notwithstanding those larger examples above, access drives serve single plots. They are predominantly domestic in scale and laid out to the front and side of the dwellings in combination with soft and other hard landscaping. From Park Drive there would be limited visual clues of the dwellings themselves given their location and height and I observed that the existing frontage of No. 17 is open with a large area of gravel driveway. Nonetheless, it is still domestic in character and appearance and the introduction of a 5.5m wide Tarmac driveway sited hard against the side elevation of No. 19 and occupying most of the gap between the dwellings, would undoubtedly change the nature, appearance and intensity of this access. It would be overly prominent in this front residential garden context and would cause harm to the appearance of the street scene at this point and the visual interests of its surroundings.
8. Overall, the proposal would harm the character and appearance of the area and it would be contrary to Policy PH11 of the Doncaster Unitary Development Plan 1998 ('UDP'), Policies CS1 and CS14 of the Doncaster Council Core Strategy 2012 ('CS') and the Council's associated design guidance<sup>2</sup>. When taken as a whole and amongst other things these require a high quality of design and development to be of a form which would not be detrimental to the character

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<sup>1</sup> Land off Melton Road and to the side of No. 41 'Beechwood' Park Drive.

<sup>2</sup> Doncaster Council Development Guidance and Requirements SPD 2015 and the South Yorkshire Residential Design Guide 2011.

of the surrounding area or result in over intensive development. Further, that the access would not be unsatisfactory for backland development and the development results in a positive contribution to the character and appearance of the area.

9. The proposal would also conflict with the achieving well designed places objectives of the Framework insofar as it would not add to the overall quality of an area, would not be sympathetic to local character and visually attractive as a result of layout and appropriate and effective landscaping.

#### *Living conditions*

10. The access would be sited directly between Nos. 17 and 19 following removal of a section of the latter. The number of movements from occupiers and visitors would not be great but in this confined and tranquil residential garden context they would not be insignificant. Noise from vehicle and pedestrian movements coming and going would be perceptible because of the reduced garden sizes of Nos. 17 and 19 and the number and position of windows in the side elevation of those properties, in particular those in No. 17 which appeared to serve habitable living accommodation. Noise from vehicles entering and exiting the site and the general disturbance from engine vibrations and headlights would be in such proximity to this living accommodation that it would be harmfully appreciable and audible, especially during those parts of the year where windows are likely to be open for ventilation purposes and the garden is in greater use. This would result in unacceptable living conditions for the occupiers of those properties.
11. I have considered whether mitigation could address this but there is nothing substantive before me to suggest what such mitigation could provide or whether it would be effective. There also appears to be limited space for additional landscaping measures between the properties and the access. I also accept that Burghley Court benefits from an access between 2 properties but I saw those were constructed as part of the development, are much larger with a different layout and therefore have considerably fewer windows in the side elevations than Nos. 17 and 19. Again, the situation is not directly comparable to the proposal before me. The lack of objection from the existing occupiers is also not determinative as I must consider the amenity of both existing and future occupiers.
12. For these reasons, the proposal would cause harm to the living conditions of the occupiers of Nos. 17 and 19 Park Drive in terms of noise and general disturbance. This would conflict with Policy PH11 of the UDP and Policies CS1 and CS14 of the CS insofar as they permit residential development except where the effect on the residential amenities of nearby properties would be unacceptable. It would also conflict with the Framework's objective of ensuring developments have a high standard of amenity for existing and future users.

#### **Other Matters**

13. In reaching this view I have had regard to an appeal decision on a nearby site in 2017<sup>3</sup> which has been provided by the Council. However, that was in relation to an outline application for a lesser number of dwellings and I have not been provided with the full details of that scheme. I cannot therefore be certain that

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<sup>3</sup> APP/F4410/W/17/3179479.

it is directly comparable to the proposal before me and there is a degree of subjectivity in such judgements. Ultimately, I have formed my own view based on the evidence before me and my own observations and each case must be determined on its own merits.

14. In reaching this view I have also had regard to the appellant's reference to the 'Fixing our broken housing market' Housing White Paper but do not consider this outweighs or justifies the harm and conflict that I have identified.

*Planning balance and conclusion*

15. For the reasons given above, the proposal would cause harm to the character and appearance of the area and harm to the living conditions of the occupiers of Nos. 17 and 19 Park Drive in terms of noise and general disturbance. It would conflict with the development plan, when read as a whole.
16. Turning to other material considerations, the appellant does not dispute that the Council can demonstrate a 5 year supply of housing land but does refer to age of the development plan. The fact that a particular development plan policy may be chronologically old however is, in itself, irrelevant for the purposes of assessing the degree of consistency with the Framework and the weight to be attached. The policies before me are broadly consistent with the design, character and amenity objectives of national policy and on the evidence before me they should not be considered out of date. Consequently, the so called tilted balance in paragraph 11 d ii) of the Framework is not engaged.
17. There would be some modest construction and ongoing economic and social benefits from 3 dwellings including from single storey accommodation that is more suitable for the elderly and those with a disability, in an area of demand<sup>4</sup>. There is no evidence of a connection between the New Homes Bonus payments and the development to enable it to be considered in accordance with the advice in the Planning Practice Guidance and it therefore carries little weight. I ascribe negligible additional benefit in respect of accessibility to local services and facilities, as I consider this to be an absence of harm. I give no weight to compliance with normal development management policies regarding housing standards, flooding, highway safety and trees.
18. Drawing my conclusions together, the proposal would conflict with the development plan, when read as a whole. Material considerations, including the Framework do not indicate that a decision should be taken other than in accordance with the plan.
19. Having considered all other matters raised I therefore conclude that the appeal should be dismissed.

*Richard Aston*

INSPECTOR

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<sup>4</sup> Doncaster Housing Needs Survey 2016.